

Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claim 36 is amended; new claim 37 is added. Claims 30-37 are pending.

The amendment to claim 36 is supported by the original disclosure, for example Figures 1-6. Applicants note that the amendment to claim 36 is not in response to a rejection or objection concerning a statutory requirement for patentability, and should not be construed in a limiting manner.

New claim 37 is supported by the original disclosure, for example Figures 1-6 and 9.

The disclosure has been amended to update the status of the applications. Withdrawal of the objection is requested.

Rejections

Claims 30-36 have been rejected over US 6,142,713 for obviousness-type double patenting. This rejection has been avoided by the filing of the Terminal Disclaimer in the present case which causes the present claims to expire simultaneously with the claims of US 6,142,713. Applicants disagree with the Examiner's conclusions of obviousness, but are nonetheless filing this terminal disclaimer in order to expedite allowance of this application in view of potential infringers in the market.

Further, claims 30-36 have been rejected over US 5,827,015 for obviousness-type double patenting. This rejection has been avoided by the filing of the Terminal Disclaimer in the present case which causes the present claims to expire simultaneously with the claims of US 5,827,015. Applicants disagree with the Examiner's conclusions of obviousness, but are nonetheless filing this terminal disclaimer in order to expedite allowance of this application in view of potential infringers in the market.

Still further, claims 33-35 have been rejected over US 5,294,216 for obviousness-type double patenting. This rejection has been avoided by the filing of the Terminal Disclaimer in the present case. Applicants disagree with the Examiner's conclusions of obviousness, but are nonetheless filing this terminal disclaimer in order to expedite allowance of this application in view of potential infringers in the market. Applicants note that any patent issuing from the

present case is set to expire prior to the date of expiration of US 5,294,216. Therefore, there is no term to disclaim that would extend beyond the expiration of US 5,294,216.

In Conclusion

With this response Applicants believe that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402
(612) 332-5300

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James A. Larson
Reg. No. 40,443



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Examiner Lagman - AU 3673
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Marked-up version showing changes

In the Specification

The paragraph beginning at page 1, line 1 has been amended as follows:

-- This application is a Continuation of application Serial No. 09/497,250, filed February 3, 2000, now issued as U.S. Patent No. 6,183,168, which is a Continuation of application Serial No. 09/160,916, filed September 25, 1998, now issued as U.S. Patent No. 6,142,713, which is a Continuation of application Serial No. 08/921,481, filed September 2, 1997, now issued as U.S. Patent No. 5,827,015, which is a Continuation of application Serial No. 08/675,572, filed July 3, 1996 (now abandoned), which is a Continuation of application Serial No. 08/469,795, filed June 6, 1995, now issued as U.S. Patent No. 5,589,124, which is a Continuation of application Serial No. 08/157,830, filed November 24, 1993 (now abandoned), which is a Divisional of application Serial No. 07/651,322, filed February 6, 1991, now issued as U.S. Patent No. 5,294,216, which is a Divisional of application Serial No. 07/534,831, filed June 7, 1990, now issued as U.S. Patent No. 5,062,610, which is a Continuation-in-Part application of Serial No. 07/413,400, filed September 27, 1989 (now abandoned), which is a Continuation-in-Part application of Serial No. 07/413,050, filed September 27, 1989 (now abandoned), which applications are incorporated herein by reference.

In the Claims

Claim 36 has been amended as follows.

36. (Amended) A molded retaining wall block suitable for use in forming a mortarless retaining wall when stacked in multiple courses with other identical retaining wall blocks, said block comprising:

- (a) a generally horizontal, planar upper surface which is [solid] free of cores and recesses;
- (b) a lower surface suitable for engaging the planar upper surface of an adjacent block to maintain a parallel relationship between successive courses of blocks when the blocks are stacked together to form a wall;

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- (c) a front face that is generally vertical and generally planar over a substantial portion of the front face and which is substantially perpendicular to the upper surface at the intersection of the front face and the upper surface;
- (d) a rear face;
- (e) a pair of generally vertical side faces joining the front and rear faces, said side faces each having rearwardly converging side portions; [and]
- (f) a flange extending below the lower face of the block to provide a surface suitable for engaging the block with the rear face of a different block in the course below the said block to thereby provide a set-back to a retaining wall constructed from such block[.]; and
- (g) wherein the block is free of cores extending through the block from side face to side face.

New claim 37 has been added as follows.

37. (New) A molded retaining wall block suitable for use in forming a mortarless retaining wall when stacked in multiple courses with other identical retaining wall blocks, said block comprising:

- (a) a generally horizontal, planar upper surface which is free of cores and recesses;
- (b) a lower surface suitable for engaging the planar upper surface of an adjacent block to maintain a parallel relationship between successive courses of blocks when the blocks are stacked together to form a wall;
- (c) a front face that is generally vertical over a substantial portion of the front face and which is substantially perpendicular to the upper surface at the intersection of the front face and the upper surface;
- (d) a rear face;
- (e) a pair of generally vertical side faces joining the front and rear faces, said side faces each having rearwardly converging side portions;
- (f) a flange extending below the lower face of the block to provide a surface suitable for engaging the block with the rear face of a different block in

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the course below the said block to thereby provide a set-back to a retaining wall constructed from such block; and

- (g) wherein the block is free of cores extending through the block from side face to side face.

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